

**MINUTES**

**OF THE**

**MARCH 15, 2018 REGULAR MEETING**



**OF THE**

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

## **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

## **MINUTES OF THE MARCH 15, 2018 REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on March 15, 2018.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Dr. Jay Canon, WCC; Clif Cypert, WCC; Dana Esparza, WCC; Bill Dunn, WCC; and Ray Andrews, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

### **Approval of Minutes**

Chairman Liotta presented the minutes of the February 8, 2018 and February 20, 2018 public meetings for approval.

**Motion:** Commissioner Tilly moved to approve the minutes of the February 8, 2018 and February 20, 2018 public meetings.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

***The motion carried.***

### **1. Discussion and Consideration of Current Commission Policies**

The Commission discussed and considered the following current Commission policies and determined if any updates are necessary: (a) Alternative Work Schedule Policy; and (b) Video Monitoring Policy. Human Resources Director Clif Cypert was recognized, reported on the policies and made a recommendation.

The current Alternative Work Schedule Policy; and (b) Video Monitoring Policies were presented for action by the Commission.

**Motion:** Commissioner Tilly moved to: (a) adopt the Alternative Work Schedule Policy; and (b) adopt the Video Monitoring Policy, without modification as recommended by Clif Cypert.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**2. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. § 23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.

In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

**Motion:** Commissioner Russell moved to approve the travel vouchers as proposed.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**3. Discussion and Consideration of a Change Order to the Commission's Case Management System Purchase Order With Project Vendor Objectstream, Inc.**

The Commission considered approving a change order to its previously authorized Case Management System purchase order with Objectstream, Inc., the project vendor, encumbering funds in the amount of \$92,147.00. The change order is needed due to a variance between the original bid solicitation requirements for the case management project and current project needs.

Commission CPO Bill Dunn was recognized, reported and gave a recommendation.

**Motion:** Commissioner Tilly moved to approve the change order as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**4. Discussion and Consideration of a 2018 Conference Venue Request for Proposal**

The Commission issued a request for proposal (RFP) through OMES Central Purchasing for a vendor for the venue of its 2018 educational conference. The RFP was posted and the Commission received three bids, which were reviewed by the Commission's Educational Conference Venue Evaluation Committee (Evaluation Committee).

Commission CPO Bill Dunn was recognized, reported and gave a recommendation.

**Motion:** Commissioner Russell moved to approve the Reed Center in Midwest City as the venue for the Commission's 2018 educational conference, as recommended by the Evaluation Committee.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**5. Discussion and Consideration of Additional Personnel Needs of the Commission's Compliance Division:**

Per 85A O.S., § 40, if the Commission has reason to believe that any employer required to secure the payment of compensation under the Administrative Workers' Compensation Act (AWCA) has failed to do so, the Commission shall issue and serve upon the employer a proposed judgment and penalty assessment declaring the employer to be in violation of the law. The Commission's Compliance Division investigates and enforces this section of the AWCA. Its efforts are supported by an Assistant Attorney General pursuant to a contract between the Commission and the Office of the State Attorney General. The Commission's administrative law judges address the Division's work needs that may require judicial involvement.

The Commissioners discussed and considered the need for hiring a staff attorney and/or engaging the services of a contract administrative law judge to address Compliance Division work needs.

Commission Compliance Director Ray Andrews was recognized, reported and gave a recommendation.

**Motion:** Commissioner Tilly moved to continue this matter to a future meeting.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**6. Discussion and Consideration of Amending the Commission's Organizational Chart**

The staff has been operating under its current organizational chart for over a year to determine the effectiveness of the structure. Due to some changes over the last year, a change in the organizational structure may be necessary. The Commission discussed and considered adopting the proposed organizational chart.

Chairman Mark Liotta was recognized, reported and recommended creating a General Counsel position apart from the Executive Director position, changing the report structure of the CFO and HR Manager to the Executive Director, and renaming Commission Counsel to Appellate Counsel.

**Motion:** Commissioner Russell moved to approve the organizational chart as recommended by Commissioner Liotta.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**7. Discussion and Consideration of Revision of the Current Medical Fee Schedule.**

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review of the Fee Schedule every two (2) years. The Commission discussed and considered whether it will move forward with revising the current medical fee schedule this legislative session.

**Motion:** Commissioner Tilly moved to hold steady for two more years.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

*The motion carried.*

**8. Reports**

**THE FOLLOWING REPORT WAS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WAS TAKEN.**

**Legislative Update Report**

Commissioner Russell reported on legislative meetings and legislation affecting the Commission.

**9. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, Candidate I, Candidate J, Candidate K, Candidate L, Candidate M, Candidate N, Candidate O, Candidate P, or Candidate Q for the position of Executive Director.**

**A. Motion and Vote to:**

Go into Executive Session under Title 25 O.S. § 307(B)(1) for purposes of discussing the hiring, salary or employment of Candidates listed in Agenda Item 9 for the position of Executive Director.

**Motion:** Commissioner Tilly moved to go into Executive Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

*The motion carried.*

**B. Motion and Vote to Reconvene in Open Session**

**Motion:** Commissioner Tilly moved to reconvene in Open Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried. No action was taken as a result of the Executive Session.***

**10. Announcements**

The Commission’s next regularly scheduled appeals meeting is on Friday, March 16, 2018. The Commission’s next regularly scheduled business meeting is on Thursday, April 19, 2018.

**ADJOURNMENT.....Chairman Liotta**

***Motion:*** Commissioner Tilly moved to adjourn.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried. The meeting adjourned.***